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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,556	02/17/2000	James A. Moorer	SONC.003US0	6818

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EXAMINER

MEI, XU

ART UNIT PAPER NUMBER

2644

DATE MAILED: 07/14/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

7

Office Action Summary

Application No.

09/505,556

Applicant(s)

MOORER, JAMES A.

Examiner

Xu Mei

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-14, 71-82, 89-94 and 107-123 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-14, 71-82, 89-94 and 107-123 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This communication is responsive to the applicant's amendment dated 4/19/2004.
2. Claims 4-14, 71-82, 89-94 and 107-123 are currently remain for examination.

Claim Rejections - 35 USC § 112

3. Claims **4**-6, 108-110; **71**-72, 74-82, 120-123; **117**-119, 121, 123, 73-74, 77-79; **7**-10, 13-14, 111-114; **89**-94, 108-110; and **107**, 112-116, 11-14, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 4, 7, 71, 72, 80, 89, 117 and 119 limitations "can be" and "can be used" as recited in the claims are not positive limitation.

Claim 4 recites the limitation "the audio portion/said audio portion". There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "said audio information" in line 6. There is insufficient antecedent basis for this limitation in the claim.

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Claims 7, 9-10 recites the limitation "said first digital signal". There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "said audio signal audio". It's unclear what it's being referred to.

Claims 71 and 80 recites the limitation "the difference between...". There is insufficient antecedent basis for this limitation in the claim.

Claim 89 recites the limitation "said audio portion/the audio portion" in lines 6 and 7. There is insufficient antecedent basis for this limitation in the claim.

Claims 89-91, 93-94 and 108 recites the limitation "said additional audio information". There is insufficient antecedent basis for this limitation in the claim.

Claim 107 recites the limitation "the audio signal data". There is insufficient antecedent basis for this limitation in the claim.

Claim 107 recites the limitation "said additional audio information". There is insufficient antecedent basis for this limitation in the claim.

Claim 107 recites the limitation "said first digital signal". There is insufficient antecedent basis for this limitation in the claim.

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Claim 117 recites the limitation "the difference between...". There is insufficient antecedent basis for this limitation in the claim.

Claim 119 recites the limitations "the audio portion" and "said first digital signal". There is insufficient antecedent basis for this limitation in the claim.

Claim 120 recites the limitation "said first digital signal". There is insufficient antecedent basis for this limitation in the claim.


4. Claims 4-14, 71-82, 89-94, 107-123 are too indefinite to examine against art because of all the 112 second problems stated above. Claims will be treat on merit upon filed of amendment to correct these problems.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xu Mei whose telephone number is 703-308-6610. The examiner can normally be reached on Monday-Friday (9:30-6:00), alternate Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on 703-305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Xu Mei
Primary Examiner
Art Unit 2644
7/8/2004